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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's Refworld website.

18 May 2011

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Sudan: The Popular Defence Forces (PDF), including whether it is affiliated with the military; maximum age of conscription into the PDF and whether there are exemptions from service; whether individuals must serve for a three-month period, regardless of age, sex and medical condition, to keep their job and pension; whether those who had served with the PDF for three months had to report to police stations in June 2008 for further service; if so, consequences for not reporting
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Affiliation with the Military

The Popular Defence Forces (PDF) was officially formed in 1989 (Small Arms Survey Mar. 2011; SSC 2 Mar. 2009). It was established through the 1989 Popular Defence Forces Act (Small Arms Survey Dec. 2007, 14; UN 20 Aug. 2007), which defines the PDF as a "semi-military" force "to be formed from Sudanese citizens" (Sudan 1989, Art. 4). Its creation by law makes the PDF "a legally constituted branch of Sudan's military," reports the United Nations (UN) High Commissioner for Human Rights (UN 20 Aug. 2007). The Small Arms Survey, "an independent research project" of the Graduate Institute of International and Development Studies, similarly describes the PDF as "an institution of the state" (Dec. 2007, 3, 14). As well, an Institute for War and Peace Reporting (IWPR) article refers to the PDF as "an armed pro-government militia" (17 Mar. 2009).

According to the PDF Act, which is appended to a 2001 Danish fact-finding mission report on Sudan, the reason for creating the PDF was to "train citizens on military and civil capabilities, raise security awareness and military discipline among them, in order to act as a back-up force to the other regular ones on request" (Sudan 1989, Art. 5). Sudan's Armed Forces Act of 2007 (which is posted on a Sudanese human rights information portal for which the Khartoum-based Society Studies Centre (SSC) is responsible (SSC 15 Dec. 2008)) indicates that "[t]he Armed Forces are composed of working forces and reserve forces," as prescribed by the President of the Republic (Sudan 2007, Art. 5 (2)). A 2007 working paper by the Small Arms Survey also notes that the PDF's "regular battalions" serve as "a reserve force" to the Sudan Armed Forces (SAF) and "can be relied on to follow the orders of Khartoum" (Dec. 2007, 33).

The Small Arms Survey further describes the PDF as "a joint military and civilian network to mobilize, equip, and fund militia auxiliaries throughout North Sudan and, to a lesser degree, South Sudan" (Dec. 2007, 10). However, in 2011 the Small Arms Survey updated its information on the PDF's areas of activities, stating that

[i]n most parts of Sudan today, the PDF is an inactive reserve force to the regular army. It remains operational in areas of active conflict like Darfur and Southern Kordofan. In addition -- especially in Kordofan, but also in Darfur -- it plays a major role in the distribution of weapons to, and military training for, tribal militias. (Mar. 2011)

The African Centre for Justice and Peace Studies (ACJPS), "a non-governmental organisation (NGO) based in Africa, London and New York and devoted to promoting human rights in Sudan" (n.d.b), also refers to the PDF as a "paramilitary group" located in northern Sudan (n.d.a, 8). A representative from the ACJPS also indicated in correspondence with the Research Directorate that there are instances when "militias as such could be called PDF, but may not actually be affiliated with Khartoum. This is particularly the case in South Darfur and West Kordofan region (now South Kordofan)" (18 May 2011).

Association with the Government

In its 2007 working paper, the Small Arms Survey notes that although the PDF became formally affiliated with the SAF through the Comprehensive Peace Agreement signed in 2005, "the PDF is an independent institution falling directly under the authority of the presidency" (Dec. 2007, 10). Similarly, the United Kingdom (UK) Border Agency, quoting a

February 2009 Jane's Sentinel Country Report for Sudan, states that "'[t]he supreme commander of the armed forces holds the positions of president of Sudan and commander in chief of the Sudan Armed Forces (SAF) and of the Popular Defence Force (PDF)'" (16 Apr. 2010, para. 10.16).

Islamist Roots

According to the Small Arms Survey, the PDF was "formed … as a dedicated Islamist militia" (Mar. 2011), and, in 2007, was "still officially described as a force of *mujahideen* (fighters of the holy war)" (Dec. 2007, 10). The Small Arms Survey also notes that the PDF's "ideological core" was formed by "the party militants and youth movements of the National Islamic Front (NIF)" (Dec. 2007, 12), a party directly related to the Muslim Brotherhood (*Political Handbook of the World 2011*, 1356; Fluehr-Lobban and Lobban Spring 2001, 1). The NIF, which the Khartoum-based SSC similarly connects to the PDF (SSC 2 Mar. 2009), formed the political base of the Omar Bashir and Hasan Turabi regime that came into power following the coup d'etat of 1989 (Fluehr-Lobban and Lobban Spring 2001, 1). According to the *Political Handbook of the World 2011*, the NIF was renamed as the National Congress (NC) in 1996 (2011, 1356). Bashir, who has remained as Sudan's president since 1989, was re-elected under the NC banner for the first time in 2000 (*Political Handbook of the World* 2011, 1356). Although indicted by the International Criminal Court for war crimes, he ran as the NC presidential candidate in the 2010 elections and won again (ibid.).

Origins as a Paramilitary Organization

According to the 2007 Small Arms Survey paper, the "bulk of the PDF's fighting force" was formed by the "tribal militia units recruited in Western Sudan and the Transitional Areas during the mid-1980s" (Dec. 2007, 12). An SSC article notes that the PDF "militias recruited extensively from Khartoum universities and spread military and civilian networks across rural Sudan, replacing, co-opting or absorbing traditional tribal structures" (2 Mar. 2009). The United Nations (UN) Integrated Regional Information Networks (IRIN) reports that by "1994, PDF training camps were established for all young people of university age, political indoctrination being an important aspect" (11 Mar. 2004).

Disbandment

In its 2007 paper, the Small Arms Survey reports that, in 2006, the leader of the Sudan People's Liberation Movement (SPLM) told the *Al-Ayyam* newspaper that "'according to the clauses of the Comprehensive Peace Agreement, the PDF should be disbanded" (Dec. 2007, 28). The British Broadcasting Corporation (BBC) says that although the PDF is "a militia backed by Khartoum," its "existence was banned under the 2005 peace agreement" (10 Jan. 2011). The Small Arms Survey also adds that "[o]ne of the preconditions for political reform in Sudan is the genuine disbandment of the PDF or its full integration into the SAF" (Dec. 2007, 32).

In November 2009, the SSC reported that, as part of the Disarmament, Demobilization and Reintegration (DDR) program in South Kordofan, 8,307 members of the SAF, the PDF, and the Sudan People's Liberation Army (SPLA), "the armed wing" of the SPLM (Fluehr-Lobban and Lobban Spring 2001, 3), turned in their weapons (SSC 4 Nov. 2009). By May 2010, the DDR process in South Kordofan had succeeded in demobilizing 13,000 members of the SAF, the PDF and the SPLA (ibid. 23 May 2010).

Nevertheless, the Small Arms Survey notes that in March 2011, the Governor of Khartoum stated that the PDF had 37,000 members (Mar. 2011). The Governor added that the PDF "continued to play a key role in deterring security threats from internal opponents of the regime" (Small Arms Survey Mar. 2011).

PDF Organization and Recruitment

The Small Arms Survey notes that the PDF is "[s]tructured around a hierarchy of joint military and civilian coordinating committees, with local and state committees reporting to the national coordination council" (Small Arms Survey Dec. 2007, 24). However, the Small Arms Survey also claims that the PDF has "[w]eak central coordination, and tensions between its political and military wings" (ibid., 10). Despite its "central structure," the PDF turned into "an increasingly decentralized network as it expanded in size" (ibid., 14). The representative from the ACJPS similarly noted that the PDF "has a very loose structure and no code of conduct or clear command structures" (18 May 2011).

According to the Small Arms Survey, "[r]ecruitment was managed by a hierarchy of civilian PDF coordinators at national, state, local, and community level" (ibid.). The "[o]perational PDF units were often recruited from tribal groups by community leaders and inactive auxiliaries are extremely difficult to differentiate from armed civilians" (ibid., 10). Furthermore, "tribal leaders were recognized as PDF coordinators in a parallel hierarchy to the military and in some cases retained almost full autonomy over the men they had mobilized" (ibid., 14). Similarly, the ACJPS representative noted that "in some cases, recruitment happens in local areas when there is an attack and locals get called to protect the city," at which point, the militia then "transforms itself into a PDF unit" (18 May 2011).

The Small Arms Survey also notes that

> [t]he lowest ranks of the PDF's coordination structure mesh closely with Sudan's tribal administration system, and at the grass roots civilian coordinators are not paired with military commanders. As a result, tribal PDF recruits at this level are able to operate autonomously of SAF command. This significantly weakens SAF authority over these recruits and has made the distinction between tribal and PDF forces extremely ambiguous. (ibid., 24-25)

Commenting on how its "local recruitment and training practices" have resulted in the PDF becoming an organization made up of divergent elements, the Small Arms Survey identified its "multiple internal strands and tendencies" as follows:

These can be divided into five levels according to their different military ability and training

a. an elite section of units comparable to the Iranian *Pasdaran* (Islamic Revolution Guards), some of which reportedly received tank and artillery training;
b. students and other civilians forced into training in closed camps;
c. military officers and civil servants forced to go through PDF training as re-education and indoctrination;
d. localized rural militias supplied through regional and local PDF offices and committees; and
e. a dispersed network of informers. (ibid., 17)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Small Arms Survey reports that soon after the NIF seized power in 1989, the PDF "regularized tribal militias into paramilitaries and enforced Islamist national service for all citizens" (June 2009, 22). Training, explains the Small Arms Survey, was obligatory for "[a]ll male Sudanese citizens over the age of 16" until 1997 (Dec. 2007, 18, 26). In an 11 May 2011 telephone interview, an independent researcher who has a PhD from the University of Berlin and is a program specialist for the UN Development Program (UNDP), said that the PDF recruited non-Muslims. The PDF initially targeted ruling-party opponents, such as those from civil society organizations and those living in southern Sudan, and subjected Southerners, as well as Christians, to "strong, violent indoctrination" (Independent Researcher 11 May 2011). The independent researcher further added that because the PDF imposed mobilization quotas and rewarded leaders that reached them, the organization became "quite corrupt" (ibid.).

The ACJPS representative noted that "in many cases those recruited [for voluntary PDF service] are forced [to join] by their communities" (18 May 2011). Furthermore, serving in the PDF was not an "official requirement" for keeping or obtaining employment; however, "if you are nominated [to serve in the PDF] by your work you cannot refuse" (ACJPS 18 May 2011). People were also encouraged to join through incentives; for example, nomadic Arab tribes in South Darfur were given cows or allowed to keep their issued guns for joining the PDF (ibid.).

Women in the PDF

In 13 May 2011 correspondence with the Research Directorate, a policy officer from the Sudan Task Force at Foreign Affairs and International Trade Canada indicated that "women can be part of the SAF and PDF." The ACJPS representative corroborated this information and explained that

[w]hereas in the SAF women serve as medics, cooks, and cleaners, in the PDF they train and fight alongside men. Rationale given for this has been that the prophet Mohamed also trained women to fight alongside him, so the PDF has an even stronger Islamist ideology than the SAF. (ACJPS 18 May 2011)

Maximum Age of Service

The PDF Act indicates that the commander general of the PDF "may issue" the "rules, regulations and orders" around the period and extension of service in the PDF (Sudan 1989, Art. 20). However, the independent researcher noted that every group in the PDF followed its own "rules and actions" regarding mobilization, recruitment and training (11 May 2011). He also noted that age was not an important criterion for being part of the PDF since it accepted volunteers at any age, even past 60, and he claimed that the age of non-volunteers did not matter at all (Independent Researcher 11 May 2011). Similarly, the ACJPS representative stated that the PDF is "open to all ages" (18 May 2011).

As for length of service, the Small Arms Survey reports that the "elite battalions of the PDF serve for longer periods, [while] most volunteers in the regular forces serve for three months, or a little more, before being rotated back to their place of residence to resume their previous employment or studies" (Small Arms Survey Dec. 2007, 26).

Relation of National Service to Service in the PDF

The non-governmental organization Conscience and Peace Tax International wrote in its 2007 submission to the UN Human Rights Committee that "the exact relationship between the two forms of service [national service and service in the PDF] is not always clear in practice" (Mar. 2007).

According to the independent researcher, before 1996 or 1998, fighting in the PDF was considered as an alternative to the National Service; however, this is no longer the case (11 May 2011). The ACJPS representative confirmed that "[s]erving in the PDF is not considered an alternative to service in the SAF" (18 May 2011).

The National Service Act for 1992, which is included in the 2001 Danish fact-finding report on Sudan, allows for compulsory service "in any of the following places: a. the Armed Forces; b. Police or other regular forces; c. Govt. or public sector units; d. Public projects in development, economic or social service" (Sudan 1992, Art. 8(1)). The Act stipulates that "[e]very Sudanese who completed eighteen years and did not exceed thirty three years of age shall submit to the imposition of the National Service" (ibid., Art. 7). The length of service is 24 months (ibid., Art. 9(1)).

However, it provides the possibility of "deducting any previous military service," and indicates that the Minister shall specify the duration of service for those "recruits in the previous 1989 compulsory service law, or similar other service" (ibid., Art. 9(3), (5)).

The PDF Act set up the PDF "to assist the popular forces on request; participate in defending the country and help in relief and emergency situations; any other function requested by the commander general" (ibid. 1989, Art. 6). It indicates that Sudanese citizens must be 16 years old to enlist (ibid., Art. 11). However, the PDF Act also provides exemptions to service and makes reference to the need for employers to grant leave of absence "for those called-in to join the Popular Forces" (ibid. Art. 13 and 18).

Information on how to obtain a certificate of exemption, pardon, or relief was not found among the sources consulted by the Research Directorate.

Exemptions

The National Service Act fully exempts the medically unfit from service while specifying that "[t]hose persons who are completely medical fit shall carry-out the service that suit their abilities" (Sudan 1992, Art. 11(1), (2)). It also states that "[t]hose who were called-in for service are not allowed to leave the country for any reason without receiving a certificate of exemption, pardon or relief, fulfilment or postponement of service and recruitment" (ibid., Art. 21). For its part, the PDF Act 1989 states that "[t]he recruit may be exempted for any of the following reasons: medical, discipline, family, security" (ibid. 1989, Art. 18).

Penalties

The National Service Act promises that "[w]hoever contradicts this Act shall be punished by imprisonment period not exceeding three years, or shall be fined, or with both penalties" (Sudan 1992, Art. 28(1)). However, it also states that "[c]riminal claim will cease according to this Act against service recruits if they reach the age of 50" (ibid., Art. 30). The PDF Act indicates that the "Popular Forces are subject to the military rules and courts" (ibid. 1989, Art. 17).

The ACJPS representative indicated that the consequences for refusing to serve in the PDF are

not clear - but as there is no judicial independence, refusal could lead to criminal charges. As the PDF has no clear structure and chain of command, it is difficult to tell. We would assume it could amount to treason, conspiracy, or crimes against the state under the 1991 Sudanese Criminal Code, which are normally charges retained for freedom of expression type violations. (18 May 2011)

The representative also added that the consequences for refusing to return to active service in the PDF after completing an initial service are unclear but presumed it would depend on the local government (ACJPS 18 May 2011).

Information on whether individuals who had served for three months with the PDF were required to report for further PDF service in June 2008 could not be found among the sources consulted within the time constraint of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: A professor at the School of Social Transformation, Arizona State University; a researcher at the Center for Security Studies (CSS) at the Swiss Federal Institute of Technology Zurich; and a specialist in African Affairs for the Congressional Research Service (CRS) did not reply within the time constraints of this Response. Representatives of the International Crisis Group could not provide specific information for this Response. Attempts to contact the Sudan Human Rights Organization (SHRO) in Cairo were unsuccessful.

Internet sites, including: *Africa Research Bulletin* [Exeter]; Afrik.com [Paris]; Afrol News; allAfrica.com; Amnesty International (AI); The Carter Center; Center on Conscience and War (CCW); Centre for Strategic and International Studies (CSIS); European Country of Origin Information Network (ecoi.net); Human Rights Watch; Human Security Gateway; International Institute for Strategic Studies (IISS); Refugees International; Republic of the Sudan - Assessment and Evaluation Commission; SOL Sudan Online; Sudan Tribune; United Nations Mission in the Sudan

(UNMIS), Refworld; United States Agency for International Development (USAID), CIA - *The World Factbook*, State Department; War Resisters' International (WRI); WN Africa.

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Top of Page

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